

**GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT**

Public Servants - Sri J.Devaplan, former Tahsildar, Thungathurty, Nalgonda District (now retired) - Committed certain irregularities in construction of houses at Kukkadam and Gummadavalli villages of Thungathurthy Mandal under Indiramma Housing Phase-I Programme - Departmental proceedings initiated - Enquiry - Report - Show Cause Notice - Explanation - Imposition of punishment 25% cut in pension for a period of two (2) years under Rule 9 of Andhra Pradesh Revised Pension Rules, 1980 - Orders - Issued.

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**REVENUE (VIGILANCE-II) DEPARTMENT**

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G.O.Rt.No. 298

Dated:26.02.2013.

Read the following:

- 1) From the CCLA Lr. No. VSI (4)/1810/2010, dt.30.09.2010.
- 2) Government Memo No.46544/Vig.II(2)/2010-2, dt.3.01.2011.
- 3) Representation from Sri J.Devapalan, formerly Tahsildar (now retired), dt.22-1-2011.
- 4) Government Letter.No.46544/Vig.II(2)/2010-, dt.06.05.2011.
- 5) From the Secretary A.P.P.S.C., Hyderabad, Lr.No.742/RT-1/1/2011, dt.16.07.2011.
- 6) Govt Memo No. 46544/Vig.II(2)/2010-6 DT. 28-05-2012
- 7) District Collector Nalgonda Lr.NO.A1/7916/09 dt. 2-9-2012

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ORDER:-

It has been brought to the notice of the Government that Sri J.Devapalan, while working as Tahsildar, Thungathurthy Mandal made irregular payments to (86) ineligible beneficiaries in construction of houses in Kukkadam & Gummadavally (V) under Indiramma Housing Programme Phase-I for which an immense loss of Rs.21,46,525/- and also made irregular payments to (39) eligible beneficiaries of the same village who have not started house, without proper verification which caused to a loss of Rs.9,75,385/- to the Government. The Chief Commissioner of Land Administration issued Articles of the charges to the charged officer and he submitted the written statement of defence denying the charges. Since the charged officer denied the charges the Joint Collector, Nalgonda was appointed as Inquiring Authority after conducting enquiry, the Enquiry Officer submitted his enquiry report stating that the charges were held proved against Sri J.Devapalan, former Tahsildar. A copy of the Enquiry Officer's report was communicated to the Charged Officer to offer his representation on the findings of the enquiry report. In the meantime, the Charged Officer retired from service on 31.7.2010 and the Chief Commissioner of Land Administration has furnished proposals to Government to conclude the disciplinary proceedings under rule 9 of APRP Rules, 1980.

2. After examining the findings of the enquiry report, Government have taken provisional decision to impose a punishment of 25% cut in pension for a period of two (2) years. Accordingly in the reference 2<sup>nd</sup> cited, a Show Cause Notice was issued to Sri J.Devapalan, former Tahsildar (now retired) for submitting his representation, if any. In the reference 3<sup>rd</sup> cited Sri J.Devapalan, former Tahsildar (now retired) submitted his representation

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stating that he was not responsible for selection of beneficiaries in Kukkadam (V) as the selection was already made by the time he took charge of the post of the Tahsildar and that the work was also started and it was at various stages. He had also submitted that the payments will not be made by the Tahsildars under Indiramma Housing Programme and that the payments will be made by the Housing Officials. He has further stated that as per the existing instructions, the field level staff i.e. AE, Village Revenue Officer etc. are the main persons to watch the progress of the construction of houses sanctioned under Indiramma Housing Programme and certify the stage at which the construction was going on. The MHO will inspect the houses under construction and append his signature on the statement prepared and signed by the AE and other staff based on which the payments will be made by the Housing Officials and not by the Mandal Revenue Officer. It is unfair to frame charges against him for selection of ineligible beneficiaries, which was done prior to his joining and the question of eligibility or ineligibility ought to have been decided at the time of selection of beneficiaries and not after starting the construction by the beneficiaries. Since the construction was already in progress by the time he joined as Tahsildar he was bound to continue to implement the scheme. Further, there was no complaint from any corner regarding the ineligibility of the beneficiaries at the time of his inspection. Neither the concerned AE, Housing nor the concerned Village Revenue Officer, who play the main role at field level, ever brought to his notice that some of the beneficiaries were ineligible.

3. He has further stated that as a Tahsildar with multifarious duties round the clock, he had to rely upon the field level staff, who are also responsible Government servants. It is therefore, beyond the imagination of any officer that the beneficiaries selected by his predecessors were ineligible and he did not find any reason to cause obstruction to the construction work by asking the Housing Officials to stop payment for the houses already constructed. He has also stated that as a matter of fact, he has not issued any certificate and payments were not made on his certification. The Inquiring Authority has not assessed the issue with respect to the guidelines issued and the role of the officials of various departments in implementing the Indiramma Housing Programme. Therefore, the findings of the Enquiry Officer are purely based on presumption and not based on field realities and evidence on record.

4. He has finally stated that he did not commit any irregularity as alleged in the charge, as he was not working as Tahsildar, Thungathurthy at the time of selection of beneficiaries under Indiramma Housing Programme. By the time, he took the charge, construction of houses was already started and the work was in progress at various stages and he has made recommendations after due verification and as per the identification of the houses by the concerned field staff. Hence he has requested to consider his submission favourably and drop further action on humanitarian grounds as he retired from service on 31.7.2010 and the pensionary benefits are held up due to the pending the disciplinary case.

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5. After careful examination of the explanation of the Delinquent Officer keeping in view the findings of enquiry officer, Government have decided to confirm the provisional decision imposing 25% cut in pension for a period of two (2) years on Sri J. Devapalan, former Tahsildar (now retd). Accordingly, in the reference 4<sup>th</sup> cited, the Secretary, A.P. Public Service Commission was requested to place the proposal before the Commission and communicate the concurrence to Government.

6. In the reference 5<sup>th</sup> cited, the Secretary i/c, A.P. Public Service Commission has observed that the presenting officer in this case has exceeded his limitations by giving conclusions on the charges and the Inquiry Officer has failed to give him assessment and analysis as per the procedure, on the charges and simply conducted that the charges are proposed/partly proved. Further, the Secretary, A.P. Public Service Commission has stated that there was no complaint from public representatives or executing authorities regarding ineligible beneficiaries. The Charged Officer is not responsible for selection of beneficiaries, as it was done by his predecessor, the proposed punishment is disproportionate to the charge. Finally, the A.P. Public Service Commission has advised that a punishment of 5% cut in pension for two years be imposed, instead of 25% cut in pension for two years, on Sri J.Devapalan, former Tahsildar (now Retd.) as he simply continued the action initiated by his predecessor.

7. After careful examination of the observations raised by the A.P. Public Service Commission Government have observed that the Accused Officer has made payments to a tune of Rs.21,46,525/- to ineligible beneficiaries of the following categories:

- 1)sanction of houses to both husband and wife
- 2)sanction of two houses to one person
- 3)sanction of houses to persons already owning pucca houses
- 4)Pink ration card holders
- 5)permanent migrants

Such cases could have been easily detected at the time of disbursement of payment cheques. He has also paid Rs.9,75,385/- to 39 beneficiaries who did not start construction of houses. In the light of the above, Sri J.Devapalem, former Tahsildar(now retired) contention that his predecessor had selected the beneficiaries does not mitigate his irregularity.

8. With regard to the observation of the A.P. Public Service Commission that the Presenting Officer has exceeded his limitation by giving conclusion on the charges and Enquiry Officer has failed to give his assessment and analysis on the charges, Government observed that the Presenting Officer has made cryptic observations on the explanations submitted by the Accused Officer stating that the explanation of the Accused Officer is not correlated to the charges and hence are not convincing. It cannot be concluded from this that the Presenting Officer has exceeded his "limitations" as remarked by the A.P. Public Service Commission. He was only discharging his legitimate duties. It was for the Inquiring Authority to arrive at his findings based on all material facts including the presentations / observations made by the Presenting Officer.

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9. With regard to the observations of the A.P. Public Service Commission that there were no complaint from public representatives or executing authorities regarding ineligible beneficiaries Government have observed that as the contrary there was a complaint made by the local MLA regarding the irregularities.

10. Government have also observed that firstly, the gravity of an irregularity established on enquiry does not diminish even if there were no allegations received from the Quarters mentioned above. Secondly, it is natural for the executing agency not to raise any allegation in cases where the concerned Government officials connive in the irregularity ! Moreover, in this case there was indeed a complaint raised by the M.L.A., Thungathurty against the Accused Officer because of which the collector has ordered the enquiry.

11. Based on the above, Government have decided to impose a punishment of 25% cut in pension for a period of two years on Sri J.Devapalem, Tahsildar (Retd). Accordingly, Government hereby impose a punishment of 25% cut in pension for a period of two years on Sri J.Devapalem, Tahsildar (Retd). A copy of the A.P. Public Service Commission's views is enclosed herewith.

12. The Chief Commissioner of Land Administration, Andhra Pradesh, Hyderabad is requested to take necessary action accordingly.

**(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)**

**ASUTOSH MISHRA  
PRINCIPAL SECRETARY TO GOVERNMENT**

To  
The Chief Commissioner of Land Administration,  
A.P., Hyderabad.  
The District Collector, Nalgonda.  
Sri J.Devaplan, former Tahsildar,  
Thungathurty Mandal Nalgonda District through  
District Collector, Nalgonda  
The Secretary, Andhra Pradesh Public Service Commission,  
Hyderabad.  
The Accountant General, Andhra Pradesh, Hyderabad.  
S.f./S.c.

**// FORWARDED :: BY ORDER //**

**SECTION OFFICER**